IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.744 OF 2007

Mr.Vasant K. Panchal ...Petitioner.
V/s.
1. The State of Maharashtra
2. Mr.Hozefa Shiraz Rajkotwala ...Respondents.

Mr.G.N.Salunkhe, adv. for the Petitioner.
Mr.P.J.Ramachandani for the Respondent No.2.
Mr.D.P.Adsule, APP for the State.

CORAM: J.H.BHATIA, J.
DATE : 30TH April, 2007.

P.C.:

1. Heard Mr.G.N.Salunkhe the learned counsel for the petitioner who is original accused and Mr.P.J.Ramchandani, the learned counsel for the respondent no.2, who is original complainant. Father of the respondent no.2 is power of attorney holder for him before the Courts below also. He was contesting the matter on behalf of the respondent no.2. Accused/petitioner is in jail and the Consent Terms are signed on his behalf by his wife and his advocate. Wife of the petitioner is present. Power of attorney holder for the respondent no.2 is also present. Parties and their counsel admit the Consent Terms marked 'X'.

2. In view of the Consent Terms, petition is allowed. Impugned judgments of conviction and sentence

passed by both the Courts below are hereby set aside and in view of this, the applicant is hereby acquitted of the charge under Section 138 of the Negotiable Instruments Act and he be set at liberty forthwith if not required in any other case.

(J.H.Bhatia,J.)